

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
MICHAEL HERBERT JOHNSON,  
Defendant.

CR 14-23-M-DLC-2

ORDER

FILED  
DEC 04 2017  
Clerk, U.S. Courts  
District Of Montana  
Missoula Division

Before the Court is Defendant Michael Herbert Johnson's ("Johnson") Unopposed Petition to Terminate Supervised Release pursuant to 18 U.S.C. § 3583(e)(1). (Doc. 86 at 3.) On October 9, 2014, Johnson was sentenced to 12 months and one day of imprisonment and three years of supervised release for Conspiracy to Distribute Ecstacy in violation of 21 U.S.C. §§ 841(b)(1)(C) and 846. (Doc. 71 at 1-3.) In addition, Johnson was allowed to self-report to the Bureau of Prisons. (*Id.* at 2.) Johnson successfully completed his term of imprisonment and began supervised release on September 25, 2015. (Doc. 86 at 3.) The term of supervised release expires on September 24, 2018.

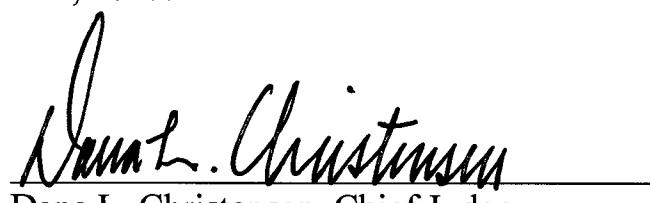
"The correct legal standard for deciding a motion to terminate supervised release is set forth in 18 U.S.C. § 3583(e)." *United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014). "The statute provides that, after considering a subset of

the sentencing factors set forth in 18 U.S.C. § 3553(a), a court may terminate a term of supervised release ‘if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.’” *Id.* (quoting 18 U.S.C. § 3583(e)(1)). The defendant must serve at least one year of his supervised release term, and assumes the burden of showing that early termination of supervised release is justified. 18 U.S.C. § 3583(e)(1); *United States v. Weber*, 451 F.3d 552, 559 n. 9 (9th Cir. 2006).

In light of the referenced subset of section 3553(a) factors, specifically including the nature and circumstances of the offense, defendant’s history and characteristics, continual employment, sobriety, and success on supervision, the Court finds that Johnson has shown that early termination of supervised release is justified. Johnson has served two years on supervision, and the interests of justice and judicial economy weigh heavily in favor of terminating the remaining time. Johnson is a productive member of society and the Court is optimistic that Johnson will continue to be a lawful citizen.

Accordingly, IT IS ORDERED that Johnson’s Petition to Terminate Supervised Release (Doc. 86) is GRANTED and Johnson’s supervised release is hereby TERMINATED.

DATED this 4<sup>th</sup> day of December, 2017.

  
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Dana L. Christensen, Chief Judge  
United States District Court